



REMARKS

The Office has required restriction in the present application as follows:

Group I, Claims 1-4 and 17 drawn to a process and compounds of the general Formula (III);

Group II, Claims 5-8 drawn to a process of preparing compounds of the general Formula (I);

Group III, Claims 9-12 drawn to a process of preparing compounds of the general Formula (III); and

Group IV, Claims 13-16 drawn to a process of preparing compounds of the general Formula (V).

Applicants elect with traverse, Group I, Claims 1-4 and 17 drawn to compounds of the general Formula (III).

The Examiner has indicated that Groups I-IV are drawn to processes of preparing different compounds and therefore there is no “special technical feature” as required by PCT Rule 13.2. In addition, there is no “single general inventive concept” required by PCT Rule 13.1, since there are many variables resulting in vastly different products which are prepared by wholly separate processes. In addition, the vastness of the claimed subject matter and the complications in understanding the claimed subject matter impose a serious burden on conducting the examination.

Applicants respectfully traverse the restriction requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all of the claims. Applicants point out that there is a “single general inventive concept” under PCT Rule 13.1, because all of the claimed inventions relate to various aspects of preparing compounds of Formula (III). In addition, Applicants note that the Examiner has not met the

burden of the "special technical features" requirement of PCT Rule 13.2, which requires that the Examiner supply a reference to show that the claims do not make a contribution over the prior art. Since the Examiner has not done so, the restriction is improper and should be withdrawn.

Moreover, the MPEP in Section 803 states as follows:

"If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions."

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office. In this regard, it is noted that the International Search Authority searched all seventeen claims.

Accordingly and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



John Niebling
Attorney of Record
Registration No. 57,981

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)